

### **Remarks**

Claims 11-16 and 18 remain pending in this application after entry of this paper. Applicants believe that the invention is patentable. Claims 11 and 18 have been amended to more particularly point out the invention. More specifically, the claims have been amended to recite the manipulation of a traditional television program broadcast signal. The traditional television program broadcast signal is received at the headend for broadcast distribution to the end users. A buffered storage queue is established at the headend and receives the signal. The stream transmitted from the headend passes through a hub and through a node to reach an end user. The stream is derived from the traditional television program broadcast signal. The stream originates from a user selected playback point in the buffered storage queue. In this way, the traditional television broadcast signal is distributed to the user. The user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal.

The Request For Continued Examination and this Amendment are being filed after a Decision on Appeal mailed March 25, 2004. This Amendment is believed to present new issues that were not previously considered during prosecution of this application. The invention is believed to be patentable, and the amended claims are believed to be patentable over the previously cited prior art.

Claims 11-15 and 18 stand rejected over Atalla in view Lawrence. Claim 16 stands rejected over Atalla in view of Lawrence further in view of Logan.

Atalla describes a video on demand distribution system and method, including a number of community systems. A particular community system includes moving memory modules, a microcell access switch, and a number of microcells. In operation of the Atalla system, the user requests a video that is either present in the moving memory modules or may be downloaded thereto. Once the demanded video is present in the moving memory modules, Atalla describes the use of a microcell to control the sending of the video to the user. The

microcell does utilize a buffer that, through a bus interface, receives information from the moving memory modules. However, the moving memory modules cyclically distribute the entire set of programs. As such, the microcell access switch acts as a local node that serves a number of users.

Atalla fails to describe or suggest transmitting a stream from the headend that is derived from a traditional program broadcast and that originates from a user selected playback point in the buffered storage queue whereby the traditional television broadcast signal is distributed to the user and wherein user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal as recited in claims 11 and 18. The complex distribution scheme in Atalla only describes distribution of files from master files host gateway 20 for video on demand as opposed to distribution of otherwise traditional television program broadcast signals.

Claims 11 and 18 recite manipulating a traditional television program broadcast signal in combination with a number of specific features whereby the traditional television broadcast signal is distributed to the user and wherein user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal.

In Atalla, traditional television program broadcasting is indicated at network program gateway 100 and network programs 102. As explained by Atalla, network program gateway 100 switches any real time video program, such as a network broadcast program, directly to a user without involving the interactive video on demand system (see column 8, lines 9-12). Thus, it appears that the teachings of Atalla relied on by the Examiner are not used for manipulating traditional television program broadcast signals, but are only used for video on demand applications. Accordingly, Atalla fails to suggest the invention as claimed.

Further, there is no suggestion or motivation to modify Atalla to achieve the claimed invention. After all, there is no suggestion that the microcell distribution technique would even be appropriate for distributing traditional television program broadcast signals, let alone any suggestion to make such modification.

Lawrence fails to describe or suggest the subject matter that is lacked by Atalla.

Claims 12-15 are dependent claims and are also believed to be patentable.

Regarding Claim 16, Claim 16 is a dependent claim and is also believed to be patentable. Further, Logan fails to address the shortcomings of the other applied references.

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Date: May 25, 2004

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